

**The Pre-Trial Judge****Le Juge de la mise en état**

المحكمة الخاصة بلبنان  
SPECIAL TRIBUNAL FOR LEBANON  
TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE PRE-TRIAL JUDGE**

Case no.: **STL-11-01/I**  
Before: **Judge Daniel Fransén**  
Registrar: **Mr. Herman von Hebel**  
Date: **28 July 2011**  
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**ORDER ON THE PROSECUTOR'S MOTION FOR VARIATION OF THE  
ORDER FOR NON-DISCLOSURE OF THE INDICTMENT**

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**Office of the Prosecutor:**  
Mr. Daniel A. Bellemare, MSM, Q.C.

**The Registrar:**  
Mr. Herman von Hebel



**I. Background to the Proceedings**

1. On 28 June 2011, the Pre-Trial Judge of the Special Tribunal for Lebanon (“the Pre-Trial Judge” and “the Tribunal”, respectively) confirmed an indictment in the case concerning the attack against Rafiq Hariri (“the Indictment”). In that Decision, the Pre-Trial Judge furthermore ordered, upon request of the Prosecutor, that the Indictment, its supporting materials, and the decision confirming it shall remain confidential until it has been served on the Accused or until further notice, except for the purposes of its transmission to the relevant Lebanese authorities or other states identified by the Prosecutor.
2. On 8 July 2011, upon request of the Prosecutor, the Pre-Trial Judge issued International Arrest Warrants for each Accused, and ordered that they remain confidential prior to their transmission to the Accused or until further notice, except for the purposes of their transmission to the relevant State authorities. The Pre-Trial Judge also authorised the Prosecutor to request INTERPOL to transmit notices of all types, including red notices, regarding the Accused.
3. On 26 July 2011, the Prosecutor requested the Pre-Trial Judge to vary his order on confidentiality of the Indictment, and allow specific biographical and other information about each Accused to be immediately disseminated in public fora, and in particular on the INTERPOL website.
4. On 27 July 2011, upon request of the Pre-Trial Judge, the Prosecutor filed a supplementary submission clarifying some specific aspects of the Submission of 26 July 2011.
5. The information, the confidentiality of which the Prosecutor in his submissions of 26 and 27 July 2011 seeks to have lifted, for each Accused is limited to: (i) full name and aliases; (ii) date and place of birth, nationality, last known address, father’s name, passport number and civil registration number; (iii) charges against him; and (iv) photographs. With regard to the remaining content of the Indictment and the individually redacted

versions thereof, the Prosecutor submits that rendering them public may prejudice ongoing investigations and requests that they remain confidential.

## **II. Statement of Reasons**

6. When he ordered the confidentiality of the Indictment and its supporting materials, the Pre-Trial Judge, in accordance with Rule 74 of the Rules of Procedure and Evidence (“the Rules”), considered that such confidentiality would be justified by the need for all possible steps to be taken to ensure the arrest of the Accused, to safeguard ongoing investigations and to ensure the protection of witnesses.
7. In his submissions of 26 and 27 July 2011, the Prosecutor indicated that, following consultation with the Lebanese Prosecutor-General, lifting the confidentiality of the requested limited information regarding each Accused does not contradict Lebanese law with regard to executing arrests, and would have no adverse impact on the ongoing efforts of the Lebanese authorities to arrest the Accused. The Prosecutor further submits that making the requested information available in public fora may increase the likelihood of apprehending the Accused in the event that any of them are noticed by the public.
8. The Pre-Trial Judge considers that there are no reasons not to grant the request of the Prosecutor for partial variation of the order on confidentiality, as it appears that the Prosecutor has carefully considered the effects that revealing the identities and personal information of the Accused would have on the ongoing investigation and on any attempts to arrest the Accused.
9. Regarding the remaining text in the Indictment and the individual redacted versions of it for each Accused, the Pre-Trial Judge considers that at this stage, to the extent that the Prosecutor avows that rendering it public may prejudice the pursuit of ongoing investigations, its confidentiality shall be maintained.

10. Finally, the Pre-Trial Judge notes that disclosing the limited information requested above does not prejudice the rights of the Accused, who are still presumed innocent.

### III. Disposition

#### FOR THESE REASONS

THE PRE-TRIAL JUDGE,

PURSUANT TO Rule 74 of the Rules,

**ORDERS** that the confidentiality of the Indictment and individual redacted versions of it be lifted in part, and the following information in respect of each Accused be rendered public:

- (1) The full name and aliases;
- (2) The biographical information as follows: date of birth, nationality, place of birth, last known address, father's name, passport number, and civil registration number,
- (3) The charges against him, and
- (4) Photographs.

Done in English, Arabic, and French, the English text being authoritative.

Leidschendam, 28 July 2011.



Daniel Fransen  
Pre-Trial Judge

